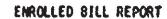


COMCAST POST-HEARING OPENING BRIEF

APPENDIX 5

California State and Consumer Services Agency, Department of Consumer Affairs, Enrolled Bill Representative on Assembly Bill No. 936 (1989-1990 Reg. Sess.) June 30, 1989

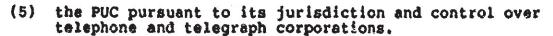


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4	HOME Yn:
AGENCY: STA	E AND CONSUMER SERVICES AGENCY BILL NUMBER: AB 936
DEPARTMENT, B	ARD OR COMPLISSION: CONSUMER AFFAIRS AUTHOR: HUGHES
SUPPORY	
1Description	TOTAL CONTRACTOR
EXCRETE(AND)	BILL SUMMARY
& Mistory	
3 Purpose 4 Sponsor	Existing law prohibits telephone and telegraph corporations
5 Cyrrent	regulated by the California Public Utilities Commission (PUC)
Fractice 6 implementation	from disclosing certain information concerning residential
7 Justification 8 Alternatives	subscribers without the subscriber's consent, except in specified
nesponsibility	instances. This provision does not, however, specifically
10 Other Agenties 11 Feture impact	prohibit the disclosure of a telephone subscriber's unlisted
12 Yeroination	telephone access number.
FISCAL INVICT OR	- 7 N
STATE BUOGET	AB 936 would specifically prohibit a telephone corporation which
13Budget 14Future Budget	sells lists of its residential subscribers from including the
15 Other Agencies	telephone number of any subscriber with an unpublished or
le Federal 17 Yan Impact	unlisted access number, as defined, without his or her consent,
18 Governor's	except in specified instances. It would also provide that every
Budget 19Continuous	deliberate violation of this provision is grounds for a civil
Appropriation	suit by the telephone subscriber.
20 Assumptions 21 Deficiency	
1464 28146	This bill also would allow a telephone subscriber to waive all or
22_Deficiency Résolution -	part of the protection provided by the bill through written
23_Absorption of	notice to the telephone corporation.
Costs 24_ Personnel	notice to the resephone corporations
Changes S Organizational	AB 936 would specifically allow telephone companies to disclose
Changes	residential telephone numbers (listed or unlisted) to the
6 Funds Transfer 7 Tax Revenue	following exempt organizations or agencies:
Other fiscal	rorrowing exempt organizations or agencies:
OCIO-ECONONIC	(1) a collection agency to the extent disclosures made by the
DPACT	agency are supervised by the PUC, exclusively for the
9_ Aights Effect 0_ Honetary	collection of unpaid debts. According to the PUC this only
1 Consumer Choice 2 Competition	would affect collection agencies under contract with a
3 Employment	telephone corporation.
HEconomic Development	terebuoue corporacion.
NTERESTED PARTIES	(2) an emergency service agency for responding to a 911 call or
5 Proponents	communicating an imminent threat to life or property.
Opponents	Communicating an imminent cureat to life of property.
Pre/Coa Arguments	(3) a lawful process issued under state or federal law.
NOT FACILITY OF STREET	(3) a lawful process issued under state or federal law.
OUSTIFICATION	(4) a telephone corporation providing service between service
lä Support 19 Oppose	(4) a telephone corporation providing service between service areas for the provision to the subscriber of telephone
10 Neutral	areas for the provision to the subscriber of telephone
No Position	service between service areas, or to third parties for the
OTE:	limited purpose of providing billing services. Assembly Partisan Senate Partisan
UIE.	
Floo	" ". ". I
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	113CET COMMITCHES:
ECOMMENDATION	
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EPARTMENT DIRE	
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and the Park	ative Research & Intent LLC (800) 530-7613
ovided by Legis	ative Research & Intent LLC (800) 530-7613



AB 936 also would define "unpublished or unlisted access number" to mean a number for a telephone, telex, facsimile (fax), computer modem, or similar equipment-or any other code number which is assigned to a subscriber by a telephone or telegraph corporation for the receipt of communications initiated by other telephone or telegraph customers; and which the subscriber has requested that the telephone or telegraph corporation keep in confidence.

BACKGROUND

The PUC is responsible for regulating the rates and services of private investor-owned utilities, which includes local telephone corporations. Local telephone companies have increasingly been allowed to charge for new services. These services include allowing telephone customers to request "unlisted" or "unpublished" telephone numbers, and selling information, with specific restrictions, to those requesting lists of specific telephone numbers.

The author (sponsor) introduced AB 936 in response to concerns raised about information obtained by telemarketing agents. This bill would specify that lists which are sold by a telephone company to customers must exclude "unlisted" numbers and must also exclude the numbers of telephone subscribers who request their telephone numbers be "unpublished."

A few years ago, the announcement by local telephone companies in California about their intentions to sell lists of subscribers' telephone numbers generated public criticism from various groups and individuals. Presently Pacific Bell and GTB California say they do not "sell" lists; however, the practice of providing telephone numbers for a charge to those who seek lists of specific addresses still occurs, according to the author.

AB 936 would prohibit those telephone companies which sell lists of residential telephone subscribers from including those "access numbers" (such as "fax" telephone numbers) which the subscribers have requested to be unlisted or unpublished. The bill would define "unpublished or unlisted access number" to mean a code number assigned to a subscriber by a telephone company meant to access a variety of communication technologies, which the subscriber has requested be kept in confidence.

AB 936 would provide that the selling of unlisted or unpublished numbers would be the grounds for a civil suit against telephone company but only if the release of such numbers were "deliberate" violations.

SPECIFIC PINDINGS

The department notes that the standard of "deliberate violation" in the bill is unique to this provision, and that its meaning is unclear. The department understands that this amendment was taken at the advice of Pacific Bell which is concerned that an inadvertent release of a telephone subscriber's telephone number should not be considered a violation of the provisions of the bill. The department will consider an amendment to this section next year specifying, instead, that an bona fide error by telephone company would not be cause for a civil suit.

FISCAL IMPACT

No fiscal impact to this department.

SOCIOECONOMIC IMPACT

Unknown socioeconomic impact to consumers. Under this bill a Geliberate violation of its provision by a telephone corporation could result in a civil suit by a telephone subscriber. However, this bill does specify instances when the release of a residential telephone subscriber's unlisted or unpublished telephone number would be allowed. Consumers and businesses would benefit from this clarification of exempt releases of unlisted and unpublished telephone numbers.

INTERESTED PARTIES

Proponents:

The author is the sponsor. - no other positions on file

Neutral:

Pacific Bell

Public Utilities Commission

The PUC has reviewed this proposal and supports the concept of a statutory plan for the release of unlisted and unpublished residential telephone

numbers.

ARGUMENTS

Proponents argue that this bill is necessary to specify when a residential telephone subscriber's unlisted or unpublished telephone numbers may be released, and to otherwise prohibit a telephone corporation from releasing an unlisted or unpublished telephone number without first obtaining the residential subscriber's written consent. This bill also would provide that every deliberate violation of this provision is grounds for a civil suit by the aggrieved telephone subscriber.

RECOMMENDATION

The Department of Consumer Affairs recommends that the Governor SIGN Assembly Bill 936 into law for the reasons stated by the proponents.